

REMARKS

In response to the Restriction Requirement, applicant hereby elects to prosecute the claims of Group 1, i.e., claims 1-5 and 12-15 drawn to a composition of an active or functional organic compound, and a formulation which includes an active or functional organic compound. The Group 2 and Group 3 claims, i.e., claims 6-8 and 9-11 have been cancelled herein. Applicant reserves the right to file divisional or continuing applications drawn to these claims.

For the record and the convenience of the Examiner, applicants wish to point out the following related U.S. patent applications: 10/859,533; 11/007,744; 10/952,948; and 10/961,564.

Applicants also wish to bring the attached Information Disclosure Statement to the attention of the Examiner. Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose. The filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made, an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. The filing of this Information Disclosure Statement shall not be construed as an admission against interest in any manner.

It is believed that a third party previously submitted such information in a Third Party Submission in Published Application to the Patent Office in this application and in commonly assigned related U.S. Serial No. 10/859,533. Applicants do not believe that the prior art teaches or suggests the present invention.

Please charge the \$180 fee for this Information Disclosure Statement to our Deposit Account No. 07-0650.

SERIAL NO. 10/617,497

In view of this amendment, claims 1-5 and 12-15 are believed to be in condition for allowance. Notice of Allowance or early action to that end is earnestly solicited.

Respectfully submitted,

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Att. : Information Disclosure Statement  
and documents referenced